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NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF: _____ :
 :
 BETH SULNER, D.V.M. :
 :
 TO PRACTICE VETERINARY MEDICINE : CONSENT ORDER
 IN THE STATE OF NEW JERSEY :
 _____ :

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following its review of information received concerning the veterinary care and treatment rendered by respondent Beth Sulner, D.V.M., to "Junior" Garabo, a patient at Bound Brook Veterinary Clinic ("Clinic") on November 13, 2007. It is alleged, among other allegations, that the

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respondent engaged in negligence in the care she provided to the cat.

Junior, a six (6) month old male Domestic Short hair feline was presented to the Clinic on November 13, 2007 for a feline neuter. At the Clinic, he came under the care of Dr. Sulner. Following a physical examination by Dr. Sulner, the surgical neutering procedure began. Junior suffered cardiac arrest during the procedure and Melissa M. Hayes, D.V.M., an associate veterinarian at the Clinic, was summoned to assist in the resuscitation of Junior.

Two unlicensed veterinary technicians were present in the surgical suite with Dr. Sulner. An unlicensed technician performed the neuter of Junior and it was during this surgery that the cat went into cardiac arrest. The resuscitation attempts by Drs. Hayes and Sulner were unsuccessful and Junior died. Dr. Sulner acknowledged that she was present in the surgical suite during the entire procedure. Finally, Dr. Sulner did not submit any documentation to the Board disputing the allegations.

The Board, following its review of the submitted documents in this matter, has concluded that Dr. Sulner engaged in gross negligence which damaged or endangered the life of Junior, contrary to N.J.S.A. 45:1-21(c), in that she permitted an unlicensed technician to perform the neuter on the cat.

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Additionally, the Board finds that Dr. Sulner permitted an unlicensed person to perform an act for which a veterinary medical license is required and/or aided and abetted an unlicensed person in performing veterinary medicine, contrary to N.J.S.A. 45:1-21(n).

The above facts establish a basis for disciplinary action. It appearing that the respondent desires to resolve this matter without the need for formal disciplinary proceedings; and waiving any right to hearing; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown;

IT IS on this 30th day of APRIL 2008,

ORDERED that:

1. The respondent, Beth Sulner, D.V.M., is hereby formally reprimanded for engaging in gross negligence and for permitting and/or aiding and abetting unlicensed practice of veterinary medicine, contrary to N.J.S.A. 45:1-21(c) and (n) respectively, in her treatment of Junior Garabo in November 2007.
2. Dr. Sulner shall cease and desist from further violations of N.J.S.A. 45:1-21(c) and (n).

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3. Dr. Sulner is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000.00 for the violations of N.J.S.A. 45:1-21(c) and (n). Payment for the civil penalty shall be submitted contemporaneously with the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$5,000.00 in equal installment payments of \$210.00 for a total twenty-three (23) months. The twenty-fourth (24th) and final payment will total \$170.00. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New

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Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Beth Sulner, DVM
BETH SULNER, D.V.M.

DATED: 4/29/2018

Consent as to form and entry.

Deborah A. Cmielewski
DEBORAH A. CMIELEWSKI, ESQUIRE
WolfBlock LLP

DATED: 4/29/08